THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 915 of 2007

DATED: 08-02-2007

Between:

K. Raveendra Babu and others

...Petitioners.

and

Vijayawada Municipal Corporation, represented by its Commissioner, Jawaharlal Nehru Buildings, Vijayawada, Krishna District and another.

...Respondents.

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ORDER:

The substantive grievance of the petitioners is that the official respondents, in particular, the 1st respondent, with the assistance of the officials of the 2nd respondent, are threatening unlawful dispossession and demolition of the flats in PM Residency, Sriram Nagar, Chandramoulipuram of Vijayawada.

The petitioners claim to be purchasers of the flats in the premises under registered sale deeds. They allege that on 09-01-2007, the officials of the respondents have come on to the property and threatened demolition of the flats on the ground that the constructions were in deviation of the sanctioned plan. Aggrieved thereby, the writ petition is filed.

Apparently, and it is asserted, no notice has been issued to the petitioners who are the owners and occupiers of the property in question. Even if they are deviant constructions and it requires to be demolished, the respondents, in particular, the 1st respondent, as a public authority and under the provisions of the A.P. Municipal Corporations Act, are bound to issue notice. The respondents are not authorized to unlawfully come on to the property merely by virtue of holding a public office and threatening dispossession or demolition.

On the above analysis, the writ petition is disposed of directing the respondents not to take steps for dispossession of the petitioners or demolition of the structures they are in possession and occupation of, without following the due process of law and issuing a

notice and proceedings as mandated by the statutory provisions. In the circumstances, there shall be no order as to costs.

GODA RAGHURAM,J

8th February 2007
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